



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Russell J. Gulley, Vice Chairman  
Mr. Jack R. Wilson, III  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ABSENT:**

Mr. Sherman W. Litton

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Advance Planning  
and Research and Information Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects Section, Planning Department  
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning  
and Research Section, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Section, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administration  
Section, Planning Department  
Ms. Michelle L. Martin, Secretary, Administrative Section,  
Planning Department  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Director,  
Budget and Management Department  
Mr. Steven E. Simonson, Senior Engineer,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Scott Flanigan, Water Quality Manager,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department

Dr. Mike Etienne, Communications Specialist,  
Planning Department, School Administration

### 7:00 P. M. PUBLIC MEETING AND HEARING

Mr. Gecker, Chairman, called the meeting to order at 7:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

#### **A. INVOCATION.**

Mr. Gulley presented the invocation.

#### **B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Turner led the Pledge of Allegiance to the Flag.

#### **C. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### **D. REVIEW MEETING PROCEDURES.**

There was no review of meeting procedures.

#### **E. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.**

There were no citizens' comments on unscheduled matters at this time.

#### **F. PUBLIC HEARING RELATIVE TO THE UPPER SWIFT CREEK PLAN.**

Mr. Gecker explained the chronology of events leading to this evening's public hearing, noting the Commission had received environmental data fairly recently and was moving toward proposing amendments to the *Plan*. He stated the practice of the Commission, when proceeding through *Comprehensive Plan* changes, was to conduct a series of community meetings to obtain public comment and then review the comments with staff and modify the *Plan* accordingly. He stated the current situation was somewhat different in that the Board of Supervisors had, under State law, the ability to order, and had done so, the Commission to conduct a public hearing and to return a recommendation to the Board at a time certain, that date being no later than the Commission's May 15, 2007, regularly scheduled meeting. He stated, because there had been no opportunity to conduct community meetings to obtain citizen comment, the Commission felt it prudent to call a special meeting. He stated the concern was if the public hearing were not conducted until May 15, 2007, there would be no meaningful opportunity to incorporate comments into the draft *Plan* that would be forwarded to the Board. He stated, at the April 17, 2007, meeting, the Commission formally, in writing, requested the Board extend the Commission's time frame

from May 2007 to July 2007 for forwarding a recommendation to them; however, the request did not receive favorable consideration. He stated consequently the Commission would conduct tonight's meeting and any changes that needed to or could be made to the *Plan* prior to the May 15, 2007, meeting, would be reviewed at the regularly scheduled May 15<sup>th</sup> meeting and the Commission would forward a recommendation to the Board at that time, unless it should happen that the matter was carried over to the May 17, 2007, backup meeting date. He stated the likelihood was that this meeting would be the public hearing that the Commission would conduct and that there would not be the series of community meetings that would normally occur.

Mr. Bowling presented an overview of the proposed *Upper Swift Creek Plan* Amendment, noting the proposed amendment was an update of the current *Upper Swift Creek Plan*, a component of *The Plan for Chesterfield*, which would replace the current *Upper Swift Creek Plan*, adopted in 1991 and amended in 2000. He denoted the *Plan* geography; outlined the *Plan* goals; and identified recommendations for land use, phasing of development and public facilities, including elements related to a comparison of current and proposed *Upper Swift Creek Plan* Amendment and surrounding *Plans*; and changes incorporated into the *Land Use Plan* in April 2007. He noted staff from the Transportation and Environmental Engineering Departments were present to address concerns/answer questions.

In response to a question from Mr. Gulley, Ms. McGee stated the proposed *Plan* Amendment referenced the related *Upper Swift Creek Plan* Ordinance Amendments and the Commission could take comment on those items; however, since the Ordinance Amendments were not advertised for public hearing, no action could be taken on them at this time.

Mr. Gecker opened the discussion for public comment.

Mr. Ted Lushch, a Lacy Farm Subdivision resident; Mr. Jim Theobald, representing various clients; Mr. Ryland Reamy, President of the Brandermill Community Association; Ms. Ann Marie Sheridan, a Woodlake Subdivision resident and member of Hands Across the Lake; Mr. Jim Slaughenhaupt, a Midlothian resident; Mr. Harold Binhammer, a resident of Harbour Hill Place; Mr. Bob Herndon, a Matoaca District resident; Mr. Doug Caudle, a County resident; Mr. Chuck Rayfield, a Brandermill Subdivision resident and Chairman of the Brandermill Community Association Environmental Committee; Ms. Betty Hunter-Clapp, a Brandermill Subdivision resident and Co-Chair of Hands Across the Lake; Dr. Mike Harton, President of the Responsible Growth Alliance for Chesterfield; Mr. David Webb, a Matoaca District resident; Mr. Michael Brandon, a resident of Mt. Hermon Road; Mr. Peter Martin, a resident of Mt. Hermon Road; Mr. Forest Clapp, a Clover Hill District resident and member of Hands Across the Lake; Ms. Kitty Snow, a Moseley resident; Mr. Phil Burks, a resident of Birkdale Subdivision; Mr. Tyler Craddock, representing the Home Builders Association of Richmond; Ms. Myrna McCaffery, a County resident and businesswoman; Ms. Diana Parker, a Bermuda District resident and representative for The Falls of the James Group, Virginia Chapter of The Sierra Club; Mr. Gordon Wynn, a County property owner; Mr. Bill Hastings, a Matoaca District resident; Ms. Shelly Schuetz, a Hampton Park Subdivision resident; Mr. Tom Hoekstra, Vice President of the Woodlake Community Association Board of Directors; Ms. Marleen Durfee, a County resident; Ms. Andrea Epps, a County resident; Mr. Andy Scherzer, a Midlothian District resident and County businessman; Mr. Ashby Stinson, a County resident; Mr. Chris Salle', a resident of Mt. Hermon Road; Ms. Jerri Marshall, a resident of Hull Street Road; and Mr. Reuben Waller, a Midlothian District resident and County businessman, expressed concerns relative to:

- ◆ forwarding a recommendation on the proposed *Plan* Amendment was a rush to judgment and premature as the *Plan* failed to address transportation and water quality issues;
- ◆ action not be taken at this time and advocated postponing a recommendation until such time as the necessary pertinent data was included in the proposed *Plan* and public community meetings held to allow informed citizen comments/input;
- ◆ the “deferred growth area” or “green area” designation in the proposed *Plan* was unfair and inequitable and should be removed from the proposal as it could prevent area property owners from selling their property at market value;
- ◆ the reservoir could be protected by denying future zoning requests in the Upper Swift Creek watershed area;
- ◆ a public transportation system element needed to be included in the proposed *Plan*;
- ◆ the Special Transportation Tax District suggested in the Supporting Document C be deleted;
- ◆ a full evaluation and integration of the CH2M Hill Study data be included in the proposed *Plan*, as well as inclusion of data from the KCI Study, the Appomattox Water Quality Report, build-out standards, and pollutant source control;
- ◆ the alignment, timing and/or construction of the Powhite Parkway Extension detrimentally impacting equity for landowners in the watershed area;
- ◆ closing the public hearing was unfair, unjust and inequitable as it would not allow the public an opportunity to respond to staff comments
- ◆ affordable housing;
- ◆ the vital link between transportation and land use;
- ◆ low impact development (LID);
- ◆ four (4) specific land use parcels in the Hull Street Road Corridor affected by the proposal;
- ◆ land use densities;
- ◆ transfer of development rights;
- ◆ consideration of down-zoning and natural buffers to protect water quality;
- ◆ insufficient open space;
- ◆ inadequate public facilities; and
- ◆ concerns regarding the implementation of the goals and recommendations of the *Plan*.

There being no one else to speak, Mr. Gecker closed the public hearing.

Mr. Bass stated he appreciated the attendance of, and comments by, those present; that he had spent a great deal of time with County staff in the last month and had learned a lot, especially regarding water quality; that he felt the proposed *Plan* could not go forward until a *Water Quality Master Plan* update was in place with accompanying ordinances to regulate development; that a mechanism needed to be in place to address the 400 pound deficit phosphorous in-lake pollutant problem; that he had asked for modifications to the proposal relative to land use, transportation and water quality recommendations but that information was not yet available to the public; and addressed concerns from speakers regarding the Powhite Parkway Extension and its impact on residents in that area, relocating the “deferred growth” area to better control development until such time as the appropriate and sufficient infrastructure was in place to accommodate the needs generated by the developments and the acquisition of land for new schools to relieve the overcrowding problems in schools in the watershed area. He stated, in his view, the proposed *Plan* Amendment was not ready to go to the Board of Supervisors for consideration and additional time was

needed to integrate the transportation and water quality elements and to obtain informed citizens comment/input.

Upon conclusion of discussion with Mr. McElfish, Mr. Gulley requested that staff provide the Commission, in time for their regularly scheduled work session on May 15, 2007, a detailed chronological record of the County's interaction with state and federal agencies regarding efforts to address water quality issues within the Upper Swift Creek watershed, from the beginning of such interaction to the present; a detailed chronological record on the progress of the Environmental Quality portion of the draft *Upper Swift Creek Plan* Amendment, from the beginning of the *Plan* Amendment process to the present and that both chronological records should include dates that the Commission requested information, dates of delivery of such information, summaries of information delivered, and explanations for any delays encountered throughout these projects and that the chronological records include, but not be limited to, summaries of all records of contacts, conversations, telephone calls, emails, correspondence, reports and meetings.

Mr. Wilson stated none of the geography of the proposed *Plan* Amendment was in the Bermuda District so he viewed the matter a little differently than others but recognized that the proposal was unique in the sense that it involved significant issues related to water quality. He stated he was having difficulty divorcing the water quality issues from the land use plan and was sympathetic to the comments of those present that trying to move the *Plan* forward without having the water quality element incorporated was difficult. He also referenced comments about the plan process, noting that the success of any plan was to have the opportunity for community meetings where the plan could be discussed, consensus developed, issues raised and resolved; and that it was clear that citizen involvement was a vital and significant part of the process. He stated he would have more specific comments at the May 15<sup>th</sup> meeting after reflecting upon the notes he made from citizens' comment and the *Plan*.

Mr. Gecker stated it was apparent the proposed *Plan* Amendment was not in a posture to go forward; that the timeframe given the Commission to review and make a recommendation on the proposal was constrained; that he was impressed with, and appreciative of, the quality of the comments provided during the meeting; that several elements of the *Plan* (Environmental, Transportation, Special Tax District suggestion, deferred growth area, extension of Powhite Parkway, equity for landowners in the watershed and others) were incomplete. He reiterated that the Commission formally requested the Board extend the Commission's time frame from May 2007 to July 2007 for forwarding a recommendation to them; however, the request did not receive favorable consideration. He suggested citizens contact their respective Board members to request that the Board remand the matter, with direction, to the Commission to allow them the opportunity to complete the review of the *Plan* in its entirety and obtain informed public comment.

With respect to the chronological records he requested from Mr. McElfish, Mr. Gulley reiterated his request that staff provide the Commission, in time for their regularly scheduled work session on May 15, 2007, a detailed chronological record of the County's interaction with state and federal agencies regarding efforts to address water quality issues within the Upper Swift Creek watershed, from the beginning of such interaction to the present; a detailed chronological record on the progress of the Environmental Quality portion of the draft *Upper Swift Creek Plan* Amendment, from the beginning of the *Plan* Amendment process to the present and that both chronological records should include dates that the Commission requested information, dates of delivery of such information, summaries of information delivered, and explanations for any delays encountered throughout these projects and that the chronological records

include, but not be limited to, summaries of all records of contacts, conversations, telephone calls, emails, correspondence, reports and meetings.

G. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

Ms. Marleen Durfee, a County resident, commended Mr. McElfish for his efforts in facilitating several meetings in recent weeks relative to environmental issues involving the Swift Creek Reservoir and asked that he be allowed sufficient time to assimilate/incorporate the information gleaned from those meetings into the proposed *Plan* Amendment process.

H. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the meeting adjourned at 9:10 p. m. to May 15, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.  
ABSENT: Mr. Litton.